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FILED

MAY 2, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

SHAMS M. QURESHI, M.D.
LICENSE NO. MA 04670600

Administrative Action

INTERIM CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon the filing of a Verified Administrative Complaint and Order to Show Cause on March 31, 2006, with a return date of April 19, 2006. The Order to Show Cause application sought the temporary suspension of the license of Respondent Shams M. Qureshi, M.D. to practice medicine and surgery and for other relief deemed appropriate pursuant to the authority conferred on the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq. and related administrative regulations.

The Verified Administrative Complaint alleges violations of the Board's statutes and regulations based, in part, on Respondent's indictment on December 14, 2005 for, among other things, Conspiracy to Commit Health Care Claims Fraud. In addition, this Verified Administrative Complaint alleges quality of care concerns regarding

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Respondent's record-keeping, and administration of pain management injections near, around and close to the spine. Respondent has not yet filed an Answer to the allegations contained in the Verified Administrative Complaint.

The Board, finding the within disposition to be adequately protective of the public health, safety and welfare,

IT IS on this 19th day of April, 2006,

ORDERED that:

1. Respondent, Shams M. Qureshi, M.D., is subject to limitations of his license to practice medicine and surgery in the State of New Jersey, and monitoring of his medical practice, as set forth in detail below, pending the disposition of the criminal action and further Order of the Board.

2. Respondent shall not perform, participate in, or instruct, either alone or in concert with another physician, the following pain management injections and/or procedures: Prolotherapy, Epidural Percutaneous Lysis of Adhesions within the spine, Radiofrequency lesioning procedures of the spine, and IDET procedures. Nothing herein shall be construed to prevent Respondent from participating in oral presentations in non-patient treatment settings. Respondent may perform other pain management injections and/or procedures but only under the monitoring of a qualified, Board-approved Practice Monitor, as set forth in detail below.

3. Practice Monitor: A Board-approved Practice Monitor shall be designated to observe all pain management spinal injections and/or procedures performed by Respondent.

In addition, the Practice Monitor shall also be designated to observe and monitor the examinations, evaluations, and other medical and pain management services provided by Respondent. The Practice Monitor's observance of Respondent's examinations, evaluations, and other medical and pain management services shall be conducted for no less than eight (8) hours a week on a random, unannounced basis.

Respondent shall be responsible to provide the Practice Monitor with a weekly schedule setting forth the time and place where he will engage in the portion of his practice of medicine subject to eight (8) hours of weekly random monitoring, and the time and place where he will engage in pain management injections and/or procedures which are subject to continuous monitoring. Respondent shall certify as to the accuracy of this weekly schedule.

Functions: The Practice Monitor shall accompany Respondent when he engages in medical practice, shall observe all medical practices of Respondent, and shall prepare a contemporaneous log ("daily log") recording any and all medical procedures and/or services that Respondent performs and/or provides for the eight (8) random hours of monitoring. In addition, the Practice Monitor shall accompany and observe Respondent when he performs all pain management injections and/or procedures, and shall prepare a daily log recording all pain management injections and/or procedures that Respondent performs.

The daily log shall set forth the patient name, date, time and place where the medical procedures and/or services took place, and detail the medical procedures and/or services that Respondent provides to individual patients. The Practice Monitor shall certify to the accuracy of each daily log.

The Practice Monitor shall immediately provide copies of the daily log to the Billing Monitor on such a schedule as may be deemed necessary to allow the Billing Monitor to perform his or her designated functions on a timely basis.

The Practice Monitor shall provide the Board with monthly reports, to include copies of all daily logs prepared by the Practice Monitor, detailing the monitoring activity performed, and noting any perceived improprieties, practice deviations or regulation violations observed. These monthly reports shall be delivered to Board counsel, Respondent's counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D. Respondent will have an opportunity to review and provide comments on the accuracy or opinions set forth in such reports within five (5) days of receipt.

Requisite Qualifications: The Practice Monitor shall be a New Jersey licensed health care professional approved by the Board. The Practice Monitor shall be experienced in and familiar with all procedures that Respondent performs in his medical practice. The Practice Monitor may be a licensed physician or an individual holding a limited license (including, but not limited to, a Certified Registered Nurse Anesthetist), provided an adequate demonstration is made that the

Practice Monitor has an appropriate background to be able to accurately record all medical services Respondent may perform.

4. Reports of the Practice Monitor. The Practice Monitor shall also provide copies of the daily log of any and all pain management injections and/or procedures performed by Respondent to the Medical Director of the Board, Joseph Gluck, M.D., on a monthly basis. Dr. Gluck will select ten (10) records of pain management injections and/or procedures to be forwarded to the Board-approved peer review expert, set forth in detail below. Within five (5) business days of Dr. Gluck informing Respondent which records were selected, Respondent shall be responsible to forward to the Board-approved peer review expert certified true copies of the ten (10) patient records, including but not limited to, operative reports, anesthesia records, fluoroscopy scans both anterior-posterior and lateral, billing records, and any other documents relating to each injection.

5. Peer Review: A physician licensed to practice medicine in the State of New Jersey with a minimum of five (5) years experience and Board-certified in the area of pain management shall be designated to review the selected patient records of pain management injections and/or procedures performed by Respondent. The Board-approved peer review expert shall be experienced in and familiar with all pain management injections and/or procedures that Respondent performs in his medical practice. This peer review expert shall issue a monthly report detailing the procedures performed by Respondent and noting any perceived improprieties, practice deviations or regulation violations observed. These monthly reports shall be delivered to Board counsel, Respondent's

counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D.

6. **Billing Monitor:** A Board-approved Billing Monitor shall be designated to oversee all billings and insurance claim submissions to include review of the appropriateness of all Current Procedural Terminology (CPT) codes billed for any and all medical services provided by Respondent.

Functions: Prior to their submission for payment, the Billing Monitor shall review all bills that Respondent generates in his provision of medical and pain management services. The Billing Monitor shall then determine whether Respondent is accurately and appropriately billing and coding for medical services provided, and may in addition rely upon any and all log entries prepared by the Practice Monitor when making said determination. The Billing Monitor shall make an immediate report to Respondent, the Practice Monitor, and the Attorney General of any instances where he or she makes a determination that Respondent submitted an inappropriate, unsubstantiated, or inappropriately coded bill. Respondent hereby agrees to refrain from submitting to patients or insurers any bill which is the subject of such a report. The Billing Monitor shall also issue monthly reports detailing the monitoring activity performed, and noting any perceived improprieties, practice deviations or regulation violations observed. The reports herein shall be delivered to Board counsel, Respondent's counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D. Respondent will have an opportunity to review and provide comments on the

accuracy or opinions set forth in such reports within five (5) days of receipt.

Requisite Qualifications: The Billing Monitor shall be experienced in and familiar with medical billings and CPT coding, with particularized knowledge of appropriate CPT codes for pain management diagnoses and treatment.

7. Access to Records. The Practice Monitor, Billing Monitor, and Board-approved peer review expert (jointly, "Monitors") shall have unfettered access to original patient medical records for those patients provided medical treatment by Respondent during the period of time encompassed by the monitoring.

8. Approval of Monitors. The Monitors shall be approved by the Board prior to commencing their monitoring functions. Not later than five (5) business days from the date of entry of this Order, Respondent shall propose individuals to serve as the Monitors delineated herein, and shall provide a curriculum vitae setting forth the experience of any proposed individuals for the Board's consideration. The Board shall consider any nominated individuals, and shall approve said nominated individuals provided a satisfactory demonstration is made that the individuals possess appropriate backgrounds to fulfill the functions of each monitoring position. The Board shall not unreasonably withhold approval of appropriately qualified individuals. In the event no suitable individuals are nominated to serve in a particular monitoring position, the Board shall independently select and appoint appropriately qualified individuals to serve.

Dr. Gluck shall apprise the Monitors of their duties and provide them with a copy of this Order. The parties agree that Dr. Gluck may contact them via a conference call for the purpose of informing the Monitors of their duties.

9. Costs. Respondent is directed to pay all reasonable fees and costs associated with the retention and employment of the Monitors set forth in this Order and any record duplication required hereunder, with exception of costs and services associated with the Board's Medical Director. Said individuals shall be compensated at rates commensurate with the individual's ordinary and customary rates of compensation. Respondent shall establish an escrow account through an outside entity or attorney for the purpose of securing the payment of all costs associated with the monitoring ordered herein. Respondent shall within three (3) business days of being provided with an estimate of the quarterly charges of the Monitors deposit into said account an amount sufficient to cover all anticipated expenses of the Monitors for a three month period. Respondent shall thereafter directly pay all invoices for services provided by the Monitors on not less than a monthly basis. In the event Respondent shall fail to timely pay invoices submitted by the Monitors, said failure shall be cause for the Board to enter an Order temporarily suspending Respondent's license pending disposition of the criminal matter and further Order of the Board. In such event, monies deposited in the escrow account established to secure payment for monitoring services shall be used to pay invoices for services owing to the Monitors.

10. The Monitors shall comply with the requirements of HIPAA (45 CFR Parts 160 and 164) and maintain and respect the confidentiality of patients and any individually identifiable health information they may acquire in the necessary performance of their functions, and shall not make any disclosures of information concerning individual patients other than disclosures to each other and to the Board as may be necessary to comply with their functions.

11. The Board expressly reserves the right to amend or alter any of the terms or conditions imposed herein upon application made by either party and a showing of good cause for modification of the Order, or upon the Board's own initiative should cause be found to exist to modify the terms of this Order. It is understood that if all Monitor reports indicate that Respondent's practice is being conducted within the requirements of the Board, that such petition may be filed within 90 days by Respondent.

12. Upon proof before the Board of Respondent's failure to materially comply with any of the conditions herein or upon proof that Respondent's conduct was in violation of N.J.S.A. 45:1-21, Respondent's license to practice medicine and surgery may be temporarily suspended pending disposition of the criminal matter and further Order of the Board. Respondent shall be given notice of all allegations and supporting proofs in advance of such an action. Respondent shall also be given notice and an opportunity to demonstrate compliance with the conditions set forth herein.

13. The parties hereby stipulate that entry of this Order is without prejudice to further action by the Board, the Attorney General,

or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order or upon proof that Respondent's conduct is in violation of N.J.S.A. 45:1-21.

14. Respondent, or his counsel, shall file an Answer to the Verified Complaint with the Board no later than five (5) days from the date of entry of this Order.

15. Upon the signing of this Consent Order, the Order to Show Cause for the Temporary Suspension of Respondent's license shall be adjourned until May 10, 2006. All Monitors delineated in this Order shall be approved by the Board and in place by May 3, 2006. If such Monitors are not in place by May 3, 2006, then this matter is to be subject to an Order to Show Cause hearing on May 10, 2006.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Sindy Paul, MD, MPH
Sindy Paul, M.D., M.P.H.
President

I have read and understood
the above Order and I agree
to abide by its terms.
Consent is hereby given to
the Board to enter this Order.

Shams M. Qureshi, M.D.

Consented to as to form:

Robert J. Fogg, Esq.

I have been provided with
a copy of this filed Interim
Consent Order and agree
to perform the functions of
a Monitor as delineated therein.

Apr 18 08 07:19p

Robert Fosse

856-642-1335

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Telephone (201) 470-9800 • (800) 689-7246 • Fax (201) 470-8822
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Order to Show Cause hearing on May 10, 2006.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Smiley Paul, MD, MPH
Smiley Paul, M.D., M.P.H.
President

I have read and understood
the above Order and I agree
to abide by its terms.
Consent is hereby given to
the Board to enter this Order.

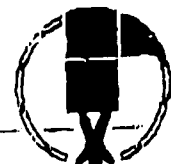
Shams M. Qureshi, M.D.
Shams M. Qureshi, M.D.

Consented to as to form:

Robert J. Fosse, Esq.
Robert J. Fosse, Esq.

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Spine Orthopedic and Sports Rehabilitation Center
Pain Center of North Jersey
SHAMS QURESHI, M.D.
Medical Director
Diplomate of American Academy of Pain Management



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